THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

| | |
|---|---|
| ALLSTATE PROPERTY AND CASUALTY INSURANCE COMPANY | PLAINTIFF |
| V. | CAUSE NO. 3:13-CV-443-CWR-FKB |
| CHRISTOPHER INGRAM | DEFENDANT |
| and | |
| CONNIE STACY, on behalf of her minor child, H.S. | INTERVENOR-DEFENDANT |

## MOTION TO SET ASIDE REQUEST FOR DEFAULT ENTRY, OR ALTERNATIVELY, TO DECLARE REQUEST FOR DEFAULT ENTRY MOOT

COMES NOW, Intervenor-Defendant, Connie Stacy (hereinafter "Stacy") on behalf of her minor child, H.S., and files Motion to Set Aside Request for Default Entry, or alternatively to Declare Request for Default Entry Moot, and in support thereof, would show unto the Court the following:

1. On July 16, 2013, Allstate filed the instant action seeking declaratory judgment on whether or not it has a duty to defend Defendant Christopher Ingram from Stacy's claims of negligent supervision. See [Doc. 1].
2. On August 16, 2013, Stacy filed her Motion to Intervene [Doc. 6] seeking leave of court to interverne in this matter pursuant to Rule 24 of the Federal Rules of Civil Procedure.
3. Unknown to Stacy, on August 13th, 2013, Allstate filed a *Motion for Entry of Default and Supporting Affidavit* [Doc. 5] in which it requested that default judgment be entered against Defendant Ingram.
4. On September 10, 2013, this Court entered its order granting Stacy permission to intervene under Fed. R. Civ. P. 24(b)(1)(B). *See* [Doc. 10].

5. Stacy filed her Answer [Doc. 11] to the Complaint in this matter on September 12, 2013.
6. Although an entry of default has not been granted in the instant case, Stacy, out of an abundance of caution, seeks an order from this Court setting aside Allstate's Motion for Entry of Default. Alternatively, Stacy seeks that the Motion for Entry of Default be dismissed as moot.

WHEREFORE, Stacy respectfully requests that her Motion to Set Aside Request for Default Entry, or alternatively, to Declare Request for Default Entry Moot be granted, and for any such other relief, either in law or in equity, to which the Court finds that Stacy is justly entitled.

This the 18th day of September, 2013.

Connie Stacy, on behalf of her minor daughter, H.S., Intervenor-Defendant

By: *\/s/ Rogen K. Chhabra*
Rogen K. Chhabra

**ATTORNEY FOR INTERVENOR:**

Rogen K. Chhabra, Esq., MSB #99131
CHHABRA & GIBBS, P.A.
120 N. Congress St, Ste 200
Jackson, MS 39201
Telephone: (601) 948-8005
Facsimile: (601) 948-8010
rchhabra@cglawms.com

## CERTIFICATE OF SERVICE

I, Rogen K. Chhabra, do hereby certify that I have this day served a true and correct copy of the above and foregoing via ECF to the following:

Toby Gammill
Gammill, Montgomery, Malatesta PLLC
3900 Lakeland Drive, Suite 401
Post Office Box 321399
Flowood, Mississippi 39232

This the 18th day of September, 2013.

/s/ Rogen K. Chhabra
ROGEN K. CHHABRA

Rogen K., Chhabra, MSB #99131
Chhabra & Gibbs, P.A.
120 North Congress Street, Suite 200
Jackson, Mississippi 39201
Telephone: (601) 948-8005
Facsimile: (601) 948-8010
rchhabra@cglawms.com